



Dated: March 2, 2021

The following is ORDERED:

Sarah A Hall
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF OKLAHOMA**

In re:)
)
TRUE COLOURS, INC.) Case No. 20-10845-SAH
) Chapter 11
Debtor.)
_____)
FIRST NATIONAL BANK & TRUST)
COMPANY WEATHERFORD,)
)
Plaintiff,)
v.) Adv. Pro. 20-01048-SAH
)
TRUE COLOURS, INC., an Oklahoma)
corporation; and RCB BANK, an Oklahoma)
banking corporation,)
)
Defendants.)

**ORDER STRIKING AMENDED THIRD MOTION FOR COURT APPROVAL OF
SETTLEMENT AND NOTICE AND OPPORTUNITY FOR HEARING [DOC. 14]**

Before the Court is the Amended Third Motion for Court Approval of Settlement and Notice and Opportunity for Hearing [Doc. 14] (the “Third Motion”) filed by First National Bank & Trust Company Weatherford (“Movant”) on February 26, 2021. The Third Motion is

nearly identical to the Movant's Amended Second Motion for Court Approval of Settlement and Notice and Opportunity for Hearing [Doc. 10] (the "Second Motion") which was stricken by this Court's Order Striking Amended Second Motion for Court Approval of Settlement and Notice and Opportunity for Hearing [Doc. 10] entered on December 11, 2020 [Doc. 12] (the "Order"). The Second Motion was stricken because the notice period was incorrect and no hearing was set at the time of filing. The Order provided further instruction in a footnote:

The parties' objective in filing this Motion is unclear to the Court. The Motion requests approval of an agreement that was incorporated into the Debtor's Amended Plan of Reorganization confirmed by this Court on August 19, 2020. Further, the Motion cannot resolve the adversary proceeding because the agreement laid out in the Motion does not include all defendants. The parties are encouraged to review Federal Rule of Bankruptcy Procedure 7041 prior to filing another document in this case.

Despite the Court's instruction, the Third Motion appears identical to the Second Motion aside from the notice period changing from 14 days to 15 days, a period which is still incorrect. Again, no hearing was set at the time the Third Motion was filed.¹ Further, the proposed order attached to the Third Motion is out of date and does not successfully resolve the adversary proceeding. Therefore, the Third Motion is hereby STRICKEN.

In addition to correcting the above errors, the parties are instructed that any subsequent motion and order attempting to resolve this adversary proceeding must provide that once the motion is approved by the attached order, the parties will submit an agreed journal entry of judgment no later than 14 days thereafter, reducing the debt to judgment and making the

¹See Federal Rule of Bankruptcy Procedure 2002(a)(3).

determination that such debt is excepted from Debtor's discharge, and dismissing with prejudice all other claims against RCB Bank, including Movant's request to rescind the loan transactions.

IT IS SO ORDERED.

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